

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISON

ALEXANDRA LOZANO IMMIGRATION
LAW, PLLC,

Plaintiff,

v.

JUAN PABLO DIAZ CUENCA and
MENESES LAW, PLLC

Defendants.

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Civil Action No. 4:24-cv-2190

DEFENDANTS' JOINT NOTICE OF REMOVAL

Defendants Meneses Law, PLLC (“Meneses Law”) and Juan Pablo Diaz Cuenca (“Cuenca”) (collectively “Defendants”), jointly submit this Notice of Removal to the United States District Court for the Southern District of Texas, Houston Division, pursuant to 28 U.S.C. §§ 1331, 1367, 1441 and 1446.

I.

Background and Relevant Procedural History

1. Plaintiff Alexandra Lozano Immigration Law, PLLC (“ALIL” or “Plaintiff”) filed its Original Petition on May 29, 2024, in the 269th Judicial District of Harris County, Texas, in a case styled *Alexandra Lozano Immigration Law, PLLC v. Juan Pablo Diaz Cuenca and Meneses Law, PLLC*, Case No. 2024-33882 (the “State Court Action”). Exs. A-1, 2.

2. Meneses Law was served with Plaintiff’s Original Petition in the State Court Action on June 3, 2024. Ex. A-3.

3. This Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(b).

II. Venue

4. Venue is proper in this court pursuant to 28 U.S.C. §§ 1441(a) and 1446(a), as the State Court Action was pending in the Southern District of Texas, Houston Division, before removal.

III. Basis for Removal

5. This is a civil action over which the Court has federal question jurisdiction pursuant to 28 U.S.C. § 1331 in that Plaintiffs have expressly asserted a claim arising under the Defend Trade Secrets Act (18 U.S.C. § 1836, *et seq.*). Defendants are, therefore, permitted to remove this action under 28 U.S.C. § 1441(a).

6. To the extent Plaintiff has asserted causes of action that arise under state law, this Court has supplemental jurisdiction over such claims pursuant to 28 U.S.C. § 1367(a) at least because those claims are related to the claims in the action within such original jurisdiction that they form part of the same case or controversy. *See* 28 U.S.C. § 1367(a); *see also Grable & Sons Metal Products, Inc. v. Darue Engineering & Manufacturing*, 125 S. Ct. 2363 (2005). In this case, the crux of Plaintiff's allegations are that Defendants misappropriated its trade secrets.

7. In any event, however, in cases involving removable and non-removable claims, “the entire action may be removed if the action would be removable without the inclusion of the [non-removable] claim...” 28 U.S.C. § 1441(c).

8. All Defendants jointly file this Notice of Removal and all Defendants consent to the removal of this action. *See* 28 U.S.C. § 1446(b); Ex. A-6.

IV. OTHER MATTERS

9. Copies of all pleadings, orders, process, and other filings in the State Court Action are attached to this notice. 28 U.S.C. § 1446(a), 1447(b), and Local Rule 81.

10. Defendants will promptly file a copy of this notice and attachments in the 269th Judicial District of Harris County, Texas. *See* 28 U.S.C. § 1446(d).

11. By this Notice of Removal, Defendants do not waive any objections they may have as to service, jurisdiction, or venue, or any other defenses or objections they may have to this action and specifically reserves any and all objections, exceptions, or defenses to the First Amended Petition and/or this action.

Dated: June 7, 2024,

Respectfully submitted,

/s/ Jason S. McManis

Joseph Y. Ahmad

State Bar No.: 00941100

Federal ID: 11604

Jason S. McManis

State Bar No. 24088032

Federal ID: 3138185

Michael Killingsworth

State Bar No.: 24110089

Federal ID: 3372610

joeahmad@azalaw.com

jmcmanis@azalaw.com

mkillingsworth@azalaw.com

1221 McKinney, Suite 2500

Houston, Texas 77010

Phone: 713.655.1101

Fax: 713.655.0062

**ATTORNEY FOR DEFENDANT MENESES
LAW FIRM PLLC**

and

/s/ Juan Pablo Diaz Cuenca

Juan Pablo Diaz Cuenca

PRO-SE

CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of June 2024, a true and correct copy of the above and foregoing document was served on the following counsel of record via the ECF system:

/s/ Jason S. McManis
Jason S. McManis